PROCEEDINGS OF THE COMMON COUNCIL
IN SPECIAL SESSION
DECEMBER 19, , 19 95

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS Tuesday EVENING December 19 , 19 95 IN Special SESSION. PRESIDENT Donald J. Schmidt IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine , AND Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS VIZ:

BRADBURY Present , EDMONDS Present , GiaQUINTA Present ,
HENRY Absent , LONG Present , LUNSEY Present ,
RAVINE Present , SCHMIDT Present , TALARICO Present ,

ABSENT: /
COUNCILMEMBER: Henry , , ,

THE MINUTES OF THE LAST REGULAR , 19 ,
, 19 ,
SPECIAL December 12 , 19 95

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.

ROLL CALL

COMMITTEE SESSION

DECEMBER 19, 1995

CITY OF FORT WAYNE, INDIANA

The Common Council of the City of Fort Wayne met in the Common Council Conference Room 128 Tuesday evening December 19, 1995, in Committee Session. President Donald J. Schmidt, in the chair, Council Attorney Stanley A. Levine, and Sandra E. Kennedy City Clerk, at the desk, present the following members viz:

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BRADBURY Present, EDMONDS Present, GiaQUINTA Present,

HENRY Absent, LONG Present, LUNSEY Present,

RAVINE Present, SCHMIDT Present, TALARICO Present,

****

ABSENT:

COUNCIL MEMBER Henry,

****

CALL, CONSENT AND WAIVER OF NOTICE OF A SPECIAL MEETING OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA TO BE HELD

SPECIAL SESSION
DECEMBER 19, 1995

WE, THE UNDERSIGNED, BEING ALL OF THE MEMBERS OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, DO HEREBY CALL A SPECIAL MEETING OF SAID COUNCIL TO BE HELD ON TUESDAY, DECEMBER 19, 1995, AT 5:30 O'CLOCK P.M., E.S.T., AND JOINTLY AND SEVERALLY WAIVE NOTICE OF THE TIME, PLACE AND PURPOSE OF SAID MEETING AND CONSENT THAT SAME BE HELD ON THE AFORESAID DATE FOR THE PURPOSE OF INTRODUCTION, DISCUSSION AND PASSAGE OF ORDINANCES

DATED THIS December 5, 1995

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

Members of the Common Council
of the City of Fort Wayne

NOTICE OF AN EXECUTIVE SESSION TO BE HELD BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA DECEMBER 19, 1995

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You are hereby notified that the Common Council of the City of Fort Wayne, Indiana, will hold an **EXECUTIVE SESSION ON TUESDAY, DECEMBER 19, 1995, IMMEDIATELY FOLLOWING COMMON COUNCIL COMMITTEE SESSION, IN THE CITY-COUNTY BUILDING, ONE MAIN STREET, FORT WAYNE, INDIANA.**

Pursuant to I.C. 5-14-1.5-6.1 (5) (A) the purpose of the Executive Session is to receive information concerning alleged misconduct on the part of an individual over whom the Common Council of the City of Fort Wayne, Indiana, has jurisdiction.

DATED: DECEMBER 15, 1995

Sandra E. Kennedy, City Clerk
Clerk of the Common Council of
the City of Fort Wayne, Indiana

The City of Fort Wayne

Paul Helmke, Mayor

November 30, 1995

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-04-93, amending Chapter 157 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-95-11-17

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
30th day of November 1995.

Council action on this recommendation must take place prior to:
February 28, 1996.

Carol Kettler Sharp

Carol Kettler Sharp
Secretary

/pb

xc: File

FACT SHEET

Z-95-11-17

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Zoning Map Amendment

From M2 to RA

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

The east side of Bradbury Avenue, between St. Louis and Commercial Road.

Reason for Project

Expansion of Bridgedale Terrace Apartments

Discussion (Including relationship to other Council actions)

20 November 1995 - Public Hearing

See Attached Minutes of Meeting

27 November 1995 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the eight (8) members present, seven (7) voted in favor of the motion, the Chair did not vote. Motion Carried

Members Present: Linda Buskirk, Ernest Evans, James Hoch, Thomas Quirk, Dave Ross, Donald Schmidt, Mel Smith, Vicky VerPlanck

Member Absent: Carol Kettler Sharp

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Bernard Bridges City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 19 October 1995

Projected Completion or Occupancy Date 30 November 1995

Fact Sheet Prepared by Date 30 November 1995

Patricia Biancaniello

Reviewed by Date 4 December 1995

Reference or Case Number

b. Bill No. Z-95-11-17 - Change of Zone #601
From M-2 to RA
The east side of Bradbury Avenue, between St. Louis and Commercial Road.

5. Public Hearing on a Primary Development Plan

Primary Development Plan for Bridgedale Terrace Apartments located south of Alma Avenue and east of Bradbury Avenue.

Joe Bishop, engineer, representing Brigedale Terrace Apartments, appeared before the Commission. Mr. Bishop stated that the area that they are concerned with is an infill site. He stated that the area to the south and east is zoned M-2, as is a portion of the existing Bridgedale Terrace Apartments. Mr. Bishop stated that there are currently 284 units in the existing Brigedale Apartments. The owners built them no more than two buildings a year over the past thirty years. He stated that they are small affordable apartments, almost all one bedroom units. The entire area has a drainage problem, which this new development will be addressing. One of the problems with the drainage is that there is none along Alma Avenue. He stated that they are draining the property down into the Krill Drain. He stated that basically the Krill drain is ineffective at this time. He stated that at the city's request they are looking at a detention pond on site, part of it would act as a flooding resistant wooded area. The biggest problem they are facing there have been sanitary sewer problems that have been identified. He stated that Water Pollution Control stated that they have some problems with any extensions on the system. He stated that they have a resolution funded and plans are to next year build new sewers that will alleviate the problem. He stated that they are however asking that there be no new sewer extensions at this time. He stated that they understand that they would be looking for a conditional approval. He stated that it is consistent with the existing use. The zoning change from M2 to RA will make the area more urban. He stated that this is a very well maintained community and he felt that the additional structures would be an asset to the community.

Dave Ross questioned why they were changing the zoning from the M-2 to RA. He questioned if the M2 would not accommodate the multi-family development.

Wayne O'Brien stated that you are only allowed to build residential structures within 200 feet of existing residential uses. The eight acres would gradually exceed that 200 foot limitation.

Mel Smith questioned that since this is done in phases would the first phase include putting in the retention pond.

Mr. Bishop stated that it would include the detention pond at the time the first phase, which is two buildings, is built.

Ernest Evans stated that if the Krill Ditch is not relocated it looks as if two of the buildings would have to be built over the drain.

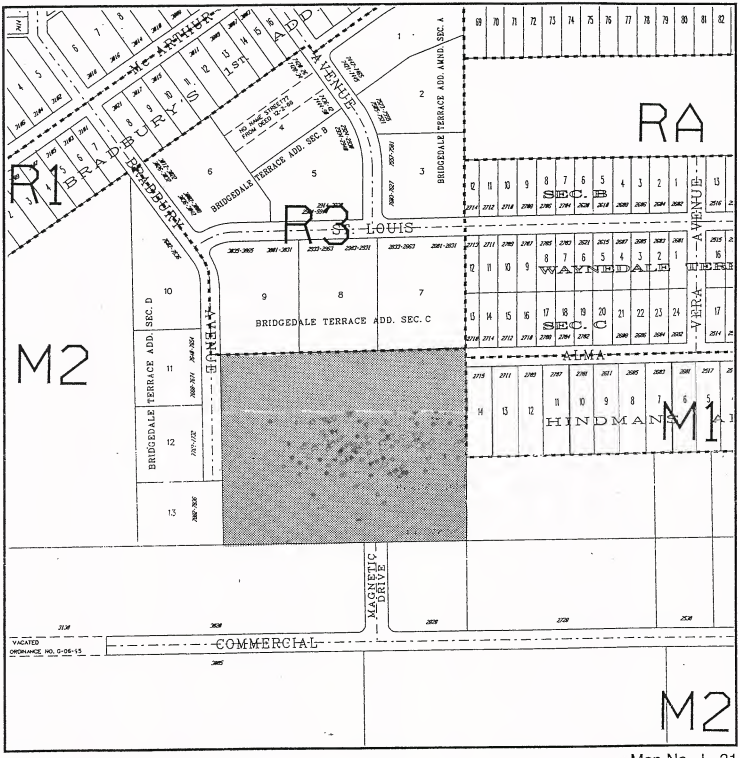
Mr. Bishop stated that they are looking at two different options. One is to relocate the drain in a configuration that would move it out of the line of the buildings and the other is to move it to the south of the property. He stated that which ever route they take, the Krill Ditch, up to where it enters the property, will be improved.

There was no one else present who spoke in favor of or in opposition to the proposed zoning and primary development plan.

REZONING PETITION

AREA MAP

CASE NO. #601



COUNCILMANIC DISTRICT NO. 4

Map No. I - 31
LW 10-22-95

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 14, 1995 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-95-11-17; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 20, 1995.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 27, 1995.

Certified and signed this
30th day of November 1995.

Carol Kettler Sharp

Carol Kettler Sharp
Secretary

Bernard A. Bridges requests a change of zone from M-2 to RA.

Location:	The east side of Bradbury Avenue, between St. Louis and Commercial Road		
Legal:	See file		
Land Area:	Approximately 8.26 acres		
Zoning:	M-2		
Surroundings:	North	R-3	Apartments
	South	M2	Industrial
	East	M1 & M2	Mixed development
	West	M2	Apartments
Reason for Request:	Expansion of Bridgedale Terrace Apartments		
Neighborhood Assoc.:	None		
Comprehensive Plan:	The general land use policies of the comprehensive plan state that development proposals should be compatible with existing and planned land uses and should not establish and undesirable precedent in the area to be developed. This property is located within the Middle Ring. The goal of the Middle Ring is to maintain investment and prevent deterioration in existing neighborhoods.		
Neighborhood Plan:	No comment.		

Planning Staff Discussion:

Bridgedale Terrace Apartments is an existing complex located around Beatty Avenue, St. Louis Avenue and Bradbury Avenue in the Waynedale area of the city. The development has taken place over an approximate thirty year period, with the last new building being constructed in 1994. It appears that the development originally started in the R-3 zoned area along Beatty Avenue and continued south as the market warranted.

The proposed expansion of this complex could add up to 120 additional units on approximately 8 acres of land located east of Bradbury and south of St. Louis Avenue. The

development would be proposed to include a detention basin. This expansion would probably take place as market demand required, with the next phase consisting of two buildings being developed in the spring if all site planning items can be resolved.

The existing zoning is M-2 that is a general industrial classification. While it does permit multi-family residential with certain restriction, it also permits several uses that would be less compatible with residential uses. The ordinance restricts residential uses to be within 200 feet of an abutting R district. While the next proposed phase of development could fall within this limitation, it would prevent the residential development of the remaining acreage. Staff suggested that a residential classification would be more appropriate for the multi-family development, and would potentially allow for additional development. The developer agreed to rezone the property to a more appropriate RA residential classification that would allow development plan review of site development.

The development plan review under the RA zoning would require landscaping not only of the perimeter, but also as a part of the overall site plan development. The ordinance provides for 40% of the open space to be landscaped. While these requirements are somewhat broad and non-specific, discussion with the C&ED landscape architect can generally determine appropriate plantings. As the area abuts industrial zonings, it would also be to the developers advantage to use extensive landscape buffering against future non-residential development.

Staff supports the downzoning of this acreage to a residential classification. Multi-family use is more appropriate within a residential district than in an industrial classification. Bradbury Avenue is a residential street that would not support heavy industrial traffic. While the acreage could potentially be accessed from Commercial Drive off Bluffton Road, that could result in a negative impact on the existing residential uses in the area.

The area is also located in a capacity intense sewer area. Potential land uses could further impact existing capacities, severely delaying if not preventing new construction. WPC Engineering informs us that they are reviewing the sewer capacities in the area and have identified improvements that would support additional development in the future.

Recommendation: Do Pass for the following reasons:

1) Approval is consistent with the existing development in the area.

2) The requested zoning is more appropriate for the intended use than the existing zoning classification is.

The City of Fort Wayne

Paul Helmke, Mayor

November 30, 1995

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-04-93, amending Chapter 157 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-95-11-18

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
30th day of November 1995.

Council action on this recommendation must take place prior to:
February 28, 1996.

Carol Kettler Sharp

Carol Kettler Sharp
Secretary

/pb

xc: File

FACT SHEET

Z-95-11-18
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Zoning Map Amendment From R1/R2/R3 to B1B

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address

6600 Block Stellhorn Road

Reason for Project

Expansion of the existing Scotts' store and a new ingress-egress connection to an access on Stellhorn Road.

Discussion (Including relationship to other Council actions)

20 November 1995 - Public Hearing

See Attached Minutes of Meeting

27 November 1995 - Business Meeting

Motion was made by Dave Ross, seconded by Tom Quirk to return the ordinance to the Common Council with a DO PASS recommendation.

Of the eight (8) members present, seven (7) voted in favor of the motion, the Chair did not vote.

Motion Carried

Members Present: Linda Buskirk, Ernest Evans, James Hoch, Thomas Quirk, Dave Ross, Donald Schmidt, Mel Smith, Vicky VerPlanck

Member Absent: Carol Kettler Sharp

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) SV Ventures & Scott's Food Stores Inc. City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[x] For [ ] Against Reason Against
Board or Commission Recommendation	By [x] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 17 October 1995

Projected Completion or Occupancy Date 30 November 1995

Fact Sheet Prepared by Date 30 November 1995

Patricia Biancaniello

Reviewed by Date 4 December 1995

Reference or Case Number

Public Hearing on Zoning Map Amendments

a. Bill No. Z-95-11-18 - Change of Zone #600
From R1/R2 & R3 to B1B
6600 Block of Stellhorn Road

Pete Mallers, attorney, appeared before the Commission representing the petitioner, SV Ventures. Mr. Mallers stated that this rezoning is for 2.06 acres in Stellhorn Village Shopping Center. He stated that the purpose of the proposed rezoning is for the expansion of the existing Scott's Food Store. He stated that the petition is a result of an agreement by the applicant to purchase, 8.03 acres from the developer of the shopping center, McKids Inc. The agreement to purchase is conditional on the expansion of the store, and the expansion of the store, is conditional on this rezoning. He stated that the existing Scott's Store is approximately 56,000 square feet in area. The proposed addition is approximately 24,000 square feet. He stated that they are asking to rezone only what they will need to expand the building and for additional parking. He stated that this Scott's is the busiest supermarket in the entire county. He stated that the expansion is necessary for that reason. He stated that when this property was originally developed in 1987 by McKids Inc., it was outside of the city limits. After it was annexed the zoning was changed in 1993 from B2A to its present classification of B1B. The developer and McKids Inc., made certain commitments, some of which, have not been fulfilled. He stated that this has led to a lot of frustration for a number of people, including the city, and neighbors. He stated that Super Valu and Scott's was not a part of that development, other than as tenants. He stated that now as a proposed purchaser, they recognize that they have a greater stake in the shopping center. He stated that they have taken steps to try and resolve the unresolved matters. He stated that they have met with the association board, interested members of Maplewood Downs Association, which is to the north of the development, Maplewood Terrace to the east, Maplewood Park to the south and Bohde Grove which is north and west of Maplecrest Road. He stated that they heard their concerns and they have addressed some already, even though these concerns are not their responsibility. One of the items that is most significant, is the landscaping to the north. The developer was to have completed landscaping according to a plan approved by the city and it was not done. He stated that the petitioners have completed the landscaping. Traffic has been a problem, but they can not do much about that. He stated that they believe that this rezoning and the completion of the road into the parking lot will greatly improve the flow within the center itself. He stated that noise has been a problem in the area. He stated it is usually generated from refrigerated trucks being parked on the on the north side of the store. The expansion will permit them to move most of the storage, if not all of it, into the store itself, and this will greatly reduce the noise. The drainage has been a problem. He stated that there is a legal drain on the property. He stated that the drain has not been probably maintained, and they have taken steps to clean it. He stated they will continue to maintain it, to the

extent that they can, if they are able to purchase the land. He stated that they will be required to increase the size of the retention pond and they feel that will also assist in the drainage. The east boundary that is owned by the developer, it borders Mapelwood Terrace, they have heard this is a problem. He stated that area is out of their control, it is not even close to what they are purchasing. He stated that they have indicated a willingness to due some basic landscaping. He stated that anything they do will be subject to the consent of and the specific agreement with the developer. He stated that they are not even sure that the residents want them to do landscaping. They have heard different views. He stated that some people would like to have the existing mound removed. He stated at this point they are unwilling to make any commitment, because they are not sure what everyone wants. He stated that long term maintenance of the center has been a concern. He stated that they are trying to reach an agreement with the developer so that they will be responsible for the maintenance of the shopping center. He stated that they have not yet reached that agreement, but they can say that as owner of 8 acres within the center, they are going to have a major stake in the center and they are going to stay on top of the situation. He stated that there are certain concerns that are out of their control. The maintenance of the field, kids congregating in the field, future development. He stated that they have no ability to address those matters. He stated that they do recognize the concerns of the neighbors. He stated given that this is a proposed extension of an existing use, adjacent to the B1B zoning, they feel it is clearly consistent with the Comprehensive Plan. He stated that since 1993 there has been development of some of the outlots. There has also been population growth and they are drawing from a much larger area. So there have been changes in the areas circumstances, even since 1993. He stated the proposed addition will clearly fit within the character of the structures and uses that already exist. The most desirable use for the land, they feel is as a shopping center. They feel that as long as there is sufficient buffer between the existing business use and the residential uses, to the east, that the best use is as a shopping center. He stated that they have currently 15 acres of land zoned R-2 & R-3 that is undeveloped. The conservation of property values is the next consideration. They feel that rezoning 2 acres out of this entire center would have absolutely no effect, given the existence of the center since 1987. However, they have undertaken an analysis for properties bordering the shopping center and that analysis shows that there has been annual appreciation of these property of approximately 2%. The last concern is responsible development growth. This growth results from a necessary expansion. If they can not expand in time, the site will no longer be appropriate for the grocery store. The vacating of the site would not be responsible development. By buying the land and having a greater stake in the center, will result in more responsibility on the part of the major user in the shopping center. Given the insignificant increase in the B1B zone, the ability to meet the demand of the public, and permitting construction of the road, they feel this is all responsible

development.

Mel Smith questioned where the nearest traffic light was located.

Mr. Mallers stated that it was at Maplecrest across from the entrance to Northwood and then the corner of Stellhorn and Maplecrest.

Dave Ross questioned if the city requires a buffer between residential and commercial zoning.

Wayne O'Brien, Planner II, with C&ED, stated that when this property was initially rezoned, it was a planned shopping center, and the city would require buffering. When the property was rezoned to B1B the city lost the ability to require buffering, except in very unique and special cases. Typically the only thing the city would require would be buffering requirements in connection with the parking lots. So the petitioner's voluntary statement that he would meet with the neighborhood people and discuss the landscape requirement that was previously proposed has been well supported by the staff.

Jay Herbrand, 6518 Ashbrook Drive, President of Maplewood Terrace and Downs, appeared before the Commission in favor of the proposed rezoning. He stated that he would like to thank Scott's & SuperValu for taking the time and effort to notify them and inform them what the proposed rezoning is going to involve. He stated that they feel that they have an understanding from the meetings with the petitioner of both sides. He stated that they realize that Scott's SuperValu cannot solve all of the problems in the development, however, they feel that as a property owner they are going to have a better situation than they have right now. He stated that there is no opinion in the neighborhood against Scott's expanding and doing the rezoning. He stated that they are concerned about the proximity of the curb cut onto Stellhorn to the entrance of the neighborhood of Maplewood Terrace. It is only about 300 feet from the proposed entrance. He stated that there is a Fazoli's there and there is a lot of turn in and out traffic. He felt that this current traffic would be minuscule compared to the traffic that Scott's parking lot will generate when it is tied into this curb cut. He stated that he really does not at this time know of any solution to the problem, but it is a concern to the people in the area. He stated that drainage is a problem in the area. He stated that a retention pond over the years has been less and less helpful.

Dave Ross questioned if his statement was that there is no opposition to the rezoning.

Mr. Herbrand stated that the neighborhood voted for the rezoning with conditions. He stated he does feel that the neighborhood feels that Scott's does have their interest at heart.

Cheryl Scott, 4118 N Clinton Street, appeared before the

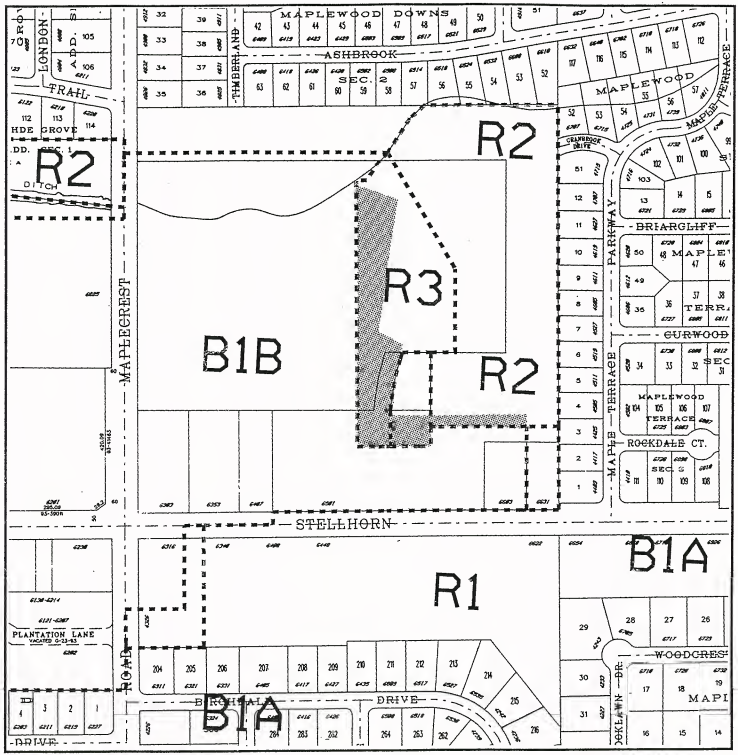
Commission. She stated that she was speaking on behalf of Scott's. She stated that she hoped the Commission realized their commitment to the area.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

REZONING PETITION

AREA MAP

CASE NO. #600



COUNCILMANIC DISTRICT NO. 2

Map No. V - 30
LW 10-22-95

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 14, 1995 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-95-11-18; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 20, 1995.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 27, 1995.

Certified and signed this
30th day of November 1995.

Carol Kettler Sharp

Carol Kettler Sharp
Secretary

Peter Mallers, attorney, representing SV Ventures, and Scott's Food Stores, Inc. requests a change of zone from R-1, R-2 and R-3 to B-1-B.

Location:	Stellhorn Road		
Legal:	See file		
Land Area:	Approximately 2.06 acres		
Zoning:	Currently this parcel has multiple zonings...R-1, R-2 and R-3.		
Surroundings:	North	Mixed	Open and residential
	South	B1B	Commercial
	East	Mixed	Open (zoned residential)
	West	B1B	Commercial
Reason for Request:	Expansion of the existing Scotts' store and a new ingress-egress connection to an access on Stellhorn Road		
Neighborhood Assoc.:	None, Maplewood Terrace and Downs is to the north and east, Maplewood Park would be to the south across Stellhorn Road.		
Comprehensive Plan:	The general land use policies of the comprehensive plan state that development proposals should be compatible with existing and planned land uses and should not establish and undesirable precedent in the area to be developed. This property is located in the Northeast Sector of the Outer Ring. The overall goal of the Outer Ring is to encourage growth in a balanced manner that is within or adjacent to existing development in the urban service area. More specifically, the goal of the Northeast Sector is to maintain a balanced development pattern within the urban service area.		
Neighborhood Plan:	No comment.		

<u>Planning Staff Discussion:</u>

This proposed rezoning would allow an expansion of the existing Scotts' supermarket, and would also include land to the south and east, enabling an internal ingress/egress connection

to an existing access on Stellhorn Road.

In 1993, Stellhorn Village was rezoned from a B-2-A planned shopping center to a B-1-B (limited business) classification. At that time there was a discussion of access problems from Maplecrest Road. Discussions included the need for a secondary access to Maplecrest Road and a future connection to an existing access on Stellhorn Road. Subsequent to the rezoning, a new limited access was allowed from Maplecrest Road, at the north end of the shopping complex.

There is an existing ingress/egress roadway that extends north and west from Stellhorn Road to serve some offices, a Fazoli's and a future car wash. This internal access has not developed further west, as it ends at a residential property that was not developer owned. This rezoning would include the minimum amount of ground needed to allow that access to continue westerly and link with the Stellhorn Village development. It should be noted that this rezoning only includes the acreage needed by the Scotts development, including the internal access road.

In 1993 the Plan Commission reviewed the rezoning of the Stellhorn Village development and recommended a change of zone to B1B. The Commission indicated at that time that it did not encourage additional commercial development, preferring to see the remaining acreage developed as either residential or possibly low intensity office uses. Potential impacts on infrastructure and on the abutting residential development were key issues of consideration. Since then, some improvements have occurred along the street frontages, with others infrastructure improvements planned for the future.

In meeting with the staff, potential impacts on the surrounding properties, sewer capacities and the remainder of the undeveloped acreage were discussed. The petitioners were urged to meet with the nearby neighborhood associations to discuss possible site development concerns. The requested B1B designation has minimum requirements for landscaping in connection with parking lot areas only, and does not require any type of buffering to mitigate undesirable effects of development. Staff anticipated that there would be three areas of concern: buffering, sewers and traffic.

Sewer capacity in this area has been closely reviewed by the WPCE Department and proposed improvements are projected to be made in the future. The physical expansion of the existing Scott's store would apparently have little impact on existing sewer capacities.

Representatives of Scott's shared their concerns regarding the potential impact on the surrounding area, their need to serve their customer base, and they have indicated a willingness to include some mitigation techniques in their eventual site plan development. They also felt that the connection to the existing Stellhorn Road access would improve traffic flow in the area.

Approval of this petition will allow the growth of the existing store, increased parking, and a

potential internal roadway link to the easternmost Stellhorn Road access. Both growth and access should add to convenience for the surrounding residents. Approval should not impact the landscape buffer that exists to the north, nor will it necessarily change the potential development of the open acreage to the east.

Recommendation: Do Pass for the following reasons:

1) Approval is consistent with the existing development to the south and west, and will allow growth of an established use.

2) The potential access to Stellhorn Road should benefit traffic movement in the area, especially trip generation attributed to the shopping complex.

The City of Fort Wayne

Paul Helmke, Mayor

December 11, 1995

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated public right-of-way.

The proposed ordinance is designated as:

Bill No. G-95-10-07

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
11th day of December 1995.

Carol Kettler Sharp

Carol Kettler Sharp
Secretary

/pb

XC: File

FACT SHEET

G-95-10-07
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Sjreet Vacation Ordinance

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address

Clinton Court from the south right-of-way of Oakdale to the north right-of-way of Rudisill Blvd.

Reason for Project

General development of area including new parking.

Discussion (Including relationship to other Council actions)

16 October 1995 - Public Hearing

See Attached Minutes of Meeting

23 October 1995 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, contingent upon the petitioner providing utility easments or relocations as needed.

Of the nine members present, eight (8) voted in favor of the motion, the Chair did not vote. Motion Carried.

Members Present: Linda Buskirk, Ernest Evans, James Hoch, Thomas Quirk, Dave Ross, Donald Schmidt, Carol Kettler Sharp, Mel Smith, Vicky VerPlanck

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Rudisill Plaza Associates. City Department Other
Opponents	Groups or Individuals Kevin Ames; Shirley Cox & Oscar Draughn Basis of Opposition -vacation would impede access for students to and from South Side High School
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

POLICY/ PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 13 September 1995

Projected Completion or Occupancy Date 11 December 1995

Fact Sheet Prepared by Date 11 December 1995

Patricia Biancaniello

Reviewed by Date 11 December 1995

Reference or Case Number

a. Bill No. G-95-10-07 - Vacation Petition #595
Clinton Court from the south right-of-way of Oakdale to the north right-of-way of Rudisill Blvd.

William Swift, attorney representing Rudisill Plaza Associates, appeared before the Commission. He stated that the petitioners own most of the real estate in the block, including the old Sears building, which houses Sears, Job Corps and the Social Security Administrative Offices. He stated that the reason that they are asking for the vacation was that the Welfare Department is moving into the building after the first of the year. He stated that they will need 350 additional parking spaces. He stated that to accommodate the parking and the traffic flow they want to vacate the street. He stated that they will also be tearing down the Gospel Temple and use that property for parking as well. He stated that they are in concurrence with all of the comments from the staff report of the Plan Commission staff. He stated that there will be nothing built over the vacated street. He stated that it will be open and used for parking as well as for ingress and egress to the parking areas and to the businesses located in the block.

Jim Tolbert, president of the Southside Business Group, appeared before the Commission. He stated on behalf of the 300 members of the Group and the 2500 businesses on the south side he was speaking in favor of the vacation. He stated that they feel that this development would enhance the area, that it would stimulate economic development, which coincides with their specific mission, which is to promote economic development and stability on the southside. He stated that they are grateful that there are businesses, like Tippman Properties, which are "legitimate" that are willing to develop in the area. He stated that they would encourage the Commission to approve this vacation.

Kevin Ames, president of the South Wayne Neighborhood Association appeared before the Commission. Mr. Ames stated that they have concerns about the requested vacation. He stated they have not as yet gotten all the answers to their questions at this time. He stated that the concern they have with the vacation is the access to and from South Side High School. He stated that there are a large number of students that use Clinton Court for access to and from South. He was concerned about what type of impact this would have on traffic if the street is closed. He stated that they are at this time opposed to the vacation.

Mel Smith questioned how many people he represented and whether or not he was at that time speaking for all of the members.

Mr. Ames stated that they have 450 residents in the association. He stated that at that time he was only speaking for the Board. He stated that they have not had a chance to meet with the full membership. He stated that their meeting was that evening.

Oscar Draughn, president of Williams Park Neighborhood Association appeared before the Commission. Mr. Draughn stated that on Saturday he had canvassed the businesses in the area and they are opposed to the vacation. He stated that the businesses felt that the closing of the street will cause an access problem to their businesses.

Shirley Cox, president of the South Calhoun Place Neighborhood Association, 317 E Lexington Court, appeared before the Commission. Ms. Cox stated that the closing of this street will cause a traffic problem. She stated that there are cars that use this street, that would have to use Calhoun Street. She stated that she cannot speak for everyone in the neighborhood association,

because she has not spoken with them. She stated that there already is parking on the south side of Rudisill Blvd., that is not used.

In rebuttal, Mr. Swift stated that the new tenant will require 350 parking spaces. He stated they will fill up the parking on the south side of Rudisill Blvd. He stated that all of the existing and proposed parking will be utilized.

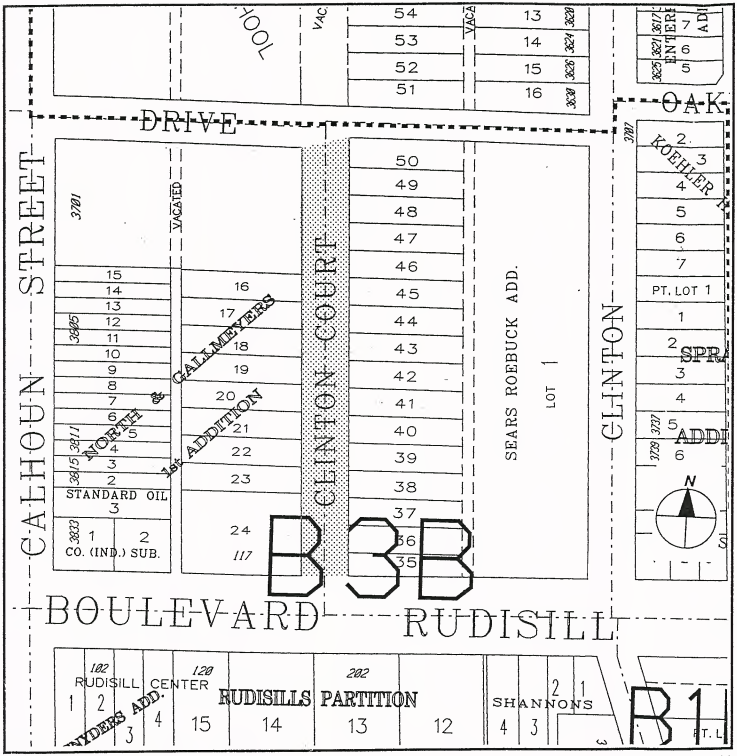
Linda Buskirk questioned if the students would still be able to walk through this area, if vacated.

Mr. Swift stated that they do not intend to have controlled parking at this point. He stated that they will not be closing off the street once it is vacated. He stated it would not be their intent to prevent the students who walk to school to cross the lot.

There was no one else who spoke in favor of or in opposition to the proposed vacation.

VACATION PETITION

AREA MAP **CASE NO. #595**



COUNCILMANIC DISTRICT NO. **5**

Map No. M - 11
LW 9-22-95

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**MHP**	Mobile Home Park
PUD	Planned Unit Dev.	**POD**	Professional Office District		

William Swift, attorney for Rudisill Plaza Associates, requests the vacation of a public right-of-way.

Location:	Clinton Court from the south right-of-way of Oakdale to the north right-of-way of Rudisill Boulevard.
Legal:	See file
Land Area:	Approximately 0.74 acres
Zoning:	The immediate area is zoned B3B

Surroundings:

North	R-2	South Side High School
South	B3B	Commercial
East	B3B	Commercial
West	B3B	Commercial

Reason for Request:	General development of the area, including new parking
Neighborhood Assoc.:	Williams Park Neighborhood Association
Comprehensive Plan:	No comment.
Neighborhood Plan:	While there is no plan for the Williams Park Neighborhood, staff provides the following comments:

The vacation could hinder access to South Side High School, as there are a number of entrances to the building on the south side of the site. For students walking to the school from neighborhoods to the south, this street is a safer and quieter alternative than either Calhoun or Clinton Streets. For people dropping students off, Clinton Court is the logical route back south or west.

Among neighborhood residents, the question of the need for vacating the street for parking when the facility already has so much surface parking is a concern. Some residents feel the existing parking is under-utilized.

Planning Staff Discussion:

The petitioners state that they own the real estate on both sides of the street. The street is no longer necessary for ingress or egress to other properties. No person, firm or corporation is interested in or affected by the requested vacation. Further, they state that the continued use of the street is not necessary or advantageous to the growth of the city, and that it would be in the best interest of the city to vacate. Finally they state that any existing utility uses may remain and that they would grant easements as needed.

The petitioners would like to keep the existing curb cuts.

Staff review suggests agreement with the petitioners in that theirs is the only property that is functionally served by this right-of-way. There appears to be a small percentage of vehicles that use the street as a "cut-through" in an attempt to avoid traffic signals. This "cut-through" traffic would still be served by the perimeter streets.

Vacation of the street would simplify any future development plans for the petitioners properties. Currently the petitioners plan to use the street for access to parking lots on either the east or west side.

There are some utilities located in the right-of-way and they will require either easements or relocations, at the petitioners expense. The petitioner is aware of these needs and is willing to grant easements as needed.

RECOMMENDATION: Conditional Approval, contingent upon the petitioner providing utility easements or relocations as needed and for the following reasons:

1) Approval should not impact anyone other than the petitioner.

2) The right-of-way does not appear to be needed for ingress or egress concerns, nor for future growth.

3) As the right-of-way only serves the petitioner, it would be in the best public interest to vacate and place the right-of-way back on the tax rolls.

RESOLUTION 82-109-7

WHEREAS, RUDISILL PLAZA ASSOCIATES AN INDIANA GENERAL PARTNERSHIP has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated right-of-way situated in Fort Wayne, Allen County, to-wit:

> Clinton Court, from the north right-of-way line of Rudisill Blvd., to the south right-of-way line of Oakdale, and being more fully described as follows: Commencing at the Northwest corner of Lot Number 50 in Dreibelbiss 1st Addition; a distance of 553.65 feet to the north right-of-way line of Rudisill Blvd.; thence west a distance of approximately 60 feet to the southeast corner of Lot Number 24 in North and Gallmeyer First Addition; thence North along the east line of Lots 24 through 16, both inclusive, in North and Gallmeyer First Addition and the east line of Lots 87 through 83, both inclusive, in Dreibelbiss 1st Addition a distance of 539.06 feet to the south right-of-way line of Oakdale Drive; thence in a northeasterly direction to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated right-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated right-of-way hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated right-of-way hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated right-of-way or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Linda Buskirk, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held Nov 29, 1995 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 29th DAY OF November 1995

FORT WAYNE BOARD OF PUBLIC WORKS

Linda Buskirk
Chairman, Board of Public Works

C. James Owen
Member, Board of Public Works

Terrance P. McCaffrey
Member, Board of Public Works

RESOLUTION

WHEREAS, RUDISILL PLAZA ASSOCIATES AN INDIANA GENERAL PARTNERSHIP has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated right-of-way situated in Fort Wayne, Allen County, to-wit:

Clinton Court, from the north right-of-way line of Rudisill Blvd., to the south right-of-way line of Oakdale, and being more fully described as follows: Commencing at the Northwest corner of Lot Number 50 in Dreibelbiss 1st Addition; a distance of 553.65 feet to the north right-of-way line of Rudisill Blvd.; thence west a distance of approximately 60 feet to the southeast corner of Lot Number 24 in North and Gallmeyer First Addition; thence North along the east line of Lots 24 through 16, both inclusive, in North and Gallmeyer First Addition and the east line of Lots 87 through 83, both inclusive, in Dreibelbiss 1st Addition a distance of 539.06 feet to the south right-of-way line of Oakdale Drive; thence in a northeasterly direction to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on October 16, 1995 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated right-of-way.

WHEREAS, said vacation of dedicated right-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right-of-way hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right-of-way hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated right-of-way or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated right-of-way in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Carol Kettler Sharp, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, October 23, 1995 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 11th DAY OF December 1995

FORT WAYNE CITY PLAN COMMISSION

Carol Kettler Sharp
Secretary

COMMUNITY & ECONOMIC DEVELOPMENT

MEMORANDUM

TO: City Council Members

FROM: Gary Stair, Director of Planning, Community and Economic Development

DATE: December 11, 1995

SUBJECT: Recommendation from Plan Commission

The right-of-way vacation has been reviewed by the Fort Wayne Plan Commission and forwarded to you for final action. The Plan Commission's recommendation on this case, made after public hearing and review, has been certified by the Commission's Secretary and is summarized on the attached "Fact Sheet".

Occasionally, there will be a significant delay between the time the petition is filed and when the Plan Commission certifies its recommendation and forwards the case to you. This delay occurs when a petition receives "Conditional Approval" -- approval subject to the petitioner fulfilling certain obligations. In such cases the Plan Commission's staff holds the petition until all conditions have been met by the petitioner. Once all conditions have been satisfied, the case is forwarded to you.

As always, if you have any questions concerning the attached cases, please do not hesitate to call me or Pat Fahey of the Land Use Management staff at 427-1140.

/pb

Vacation Petition - Bill No. G-95-10-07

Amendment:	Street Vacation Ordinance
Location:	Clinton Court from the south right-of-way of Oakdale to the north right-of-way of Rudisill Blvd.
Applicant:	Rudisill Plaza Associates
Proponents:	William Swift, attorney representing petitioners
Opponents:	Kevin Ames, President - South Wayne Neighborhood Association Oscar Draghn, President - Williams Park Neighborhood Association Shirley Cox, President - South Calhoun Place Neighborhood Association
Summary of Discussion:	This petition would allow for the continued general development of the area and additional parking.
Staff Recommendation:	Do Pass
Plan Commission Recommendation:	Do Pass
Recommendation Given:	October 23, 1995

Committee Session Date: The Committee Session date will depend upon the publication of the legal notice by Council staff.

REGULATORY RESOLUTION NO. 52/95/E

(Adopted 12/07/95)

WHEREAS, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986 authorized the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 70.30 of said Title delegates to this Board authority to:

SPEED LIMIT 25 WHEN CHILDREN PRESENT (EMERGENCY)

WHEREAS, the City Traffic Engineer has, by written memorandum dated 11/06/95, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the Office of the Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That pursuant to the authority delegated to this Board, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective 12/07/95, and when signs are erected pursuant hereto giving notice thereof, that the following is established:

SPEED LIMIT 25 WHEN CHILDREN PRESENT (EMERGENCY)

Rockwood Dr.	from Vance Ave. to Trier Road

TRAFFIC ENGINEERING DEPARTMENT

REPORT NO. BPS/39/95 SHEET 1 OF 1 DATE November 06, 1995

TO: PAYNE BROWN - BOARD OF PUBLIC SAFETY

FROM: TOM MANNY - TRAFFIC ENGINEER

SUBJECT: **SPEED LIMIT**

Please be advised our office has received a letter from the New Glenwood Neighborhood association requesting a review of the speed limit on Rockwood Dr. This area is near Lane Middle School and Glenwood Elementary School and warrants a speed limit 25 When Children Present.

It is hereby recommended that the Board of Public Safety authorize the following:

SPEED LIMIT 25 WHEN CHILDREN PRESENT **(EMERGENCY)**

Rockwood Dr. - from Vance Ave. to Trier Rd.

Sincerely,

Tom Manny
Traffic Engineer

REGULATORY RESOLUTION NO. 53/95/D

(Adopted 12/07/95)

WHEREAS, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986 authorized the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 70.30 of said Title delegates to this Board authority to:

PREFERENTIAL INTERSECTION (DELEGATED)

WHEREAS, the City Traffic Engineer has, by written memorandum dated 10/17/95, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the Office of the Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That pursuant to the authority delegated to this Board, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective 12/07/95, and when signs are erected pursuant hereto giving notice thereof, that the following is established:

PREFERENTIAL INTERSECTION (DELEGATED)

Courtwood Dr.	-preferential-	at Marigold Drive
Kirkfield Dr.	-preferential-	at Marigold Drive

53-15-D

TRAFFIC ENGINEERING DEPARTMENT

REPORT NO. BPS/40/95 SHEET 1 OF 1 DATE October 17, 1995

TO: PAYNE BROWN - BOARD OF PUBLIC SAFETY

FROM: TOM MANNY - TRAFFIC ENGINEER

SUBJECT: **PREFERENTIAL INTERSECTION**

Please be advised our office has received a request to review the intersections of Courtwood Dr. and Marigold Dr. and Kirkfield Dr. and Marigold Dr. regarding control. A combination of restricted sight and recent accident experience satisfies minimum warrants for Yield Control.

It is hereby recommended that the Board of Public Safety authorize the following.

PREFERENTIAL INTERSECTION **(DELEGATED)**

Courtwood Dr.	- preferential -	at Marigold Dr.
Kirkfield Dr.	- preferential -	at Marigold Dr.

Sincerely,

Dcls

Tom Manny

Tom Manny
Traffic Engineer

REGULATORY RESOLUTION NO. 54/95/D

(Adopted 12/07/95)

WHEREAS, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986 authorized the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 70.30 of said Title delegates to this Board authority to:

STOP INTERSECTION (DELEGATED)

WHEREAS, the City Traffic Engineer has, by written memorandum dated 10/17/95, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the Office of the Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That pursuant to the authority delegated to this Board, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective 12/07/95, and when signs are erected pursuant hereto giving notice thereof, that the following is established:

STOP INTERSECTION (DELEGATED)

Clayton Avenue -stop- for Hensch Street

54145D

TRAFFIC ENGINEERING DEPARTMENT

REPORT NO. BPS/41/95 SHEET 1 OF 1 DATE October 17, 1995

TO: PAYNE BROWN - BOARD OF PUBLIC SAFETY

FROM: TOM MANNY - TRAFFIC ENGINEER

SUBJECT: **STOP INTERSECTION**

Please be advised our office has received a request to review the intersection of Clayton Ave. and Hensch St. regarding control. A combination of traffic volumes and geometric design satisfies minimum warrants for Stop Control.

It is hereby recommended that the Board of Public Safety authorize the following:

STOP INTERSECTION **(DELEGATED)**

Clayton Ave. - stop - for Hensch St.

Sincerely,

Tom Manny

Tom Manny
Traffic Engineer

REGULATORY RESOLUTION NO. 55/95/E

(Adopted 12/07/95)

WHEREAS, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986 authorized the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 70.30 of said Title delegates to this Board authority to:

NO PARKING (EMERGENCY)

WHEREAS, the City Traffic Engineer has, by written memorandum dated 11/08/95, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the Office of the Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That pursuant to the authority delegated to this Board, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective 12/07/95, and when signs are erected pursuant hereto giving notice thereof, that the following is established:

DELETE:

NO PARKING (EMERGENCY)

E. Foster Parkway	-north side-	from Calhoun Street to 300' east thereof

55/25/E

TRAFFIC ENGINEERING DEPARTMENT

REPORT NO. BPS/42/95 SHEET 1 OF 1 DATE November 08, 1995

TO: PAYNE BROWN - BOARD OF PUBLIC SAFETY

FROM: TOM MANNY - TRAFFIC ENGINEER

SUBJECT: **PARKING REGULATION**

Please be advised our office has received a petition requesting the removal of No Parking signs on E. Foster Parkway. The signs were originally installed in the sixties to prevent patrons from the adjacent shopping centers from parking on-street. The businesses have changed and the signs are no longer required.

It is hereby recommended that the Board of Public Safety authorize the following:

DELETE:

NO PARKING **(EMERGENCY)**

E. Foster Parkway	- north side -	from Calhoun St. to 300' east thereof

Sincerely,

Tom Manny

Tom Manny
Traffic Engineer

REGULATORY RESOLUTION NO. 56/95/E

(Adopted 12/07/95)

WHEREAS, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986 authorized the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 70.30 of said Title delegates to this Board authority to:

STOP INTERSECTION (EMERGENCY)

WHEREAS, the City Traffic Engineer has, by written memorandum dated 11/08/95, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the Office of the Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That pursuant to the authority delegated to this Board, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective 12/07/95, and when signs are erected pursuant hereto giving notice thereof, that the following is established:

STOP INTERSECTION (EMERGENCY)

Euclid Ave.	-stop-	for Eckart Street
Euclid Ave.	-stop-	for McKee Street

REGULATORY RESOLUTION NO. 57/95/D

(Adopted 12/07/95)

WHEREAS, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986 authorized the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 70.30 of said Title delegates to this Board authority to:

PREFERENTIAL INTERSECTION (DELEGATED)

WHEREAS, the City Traffic Engineer has, by written memorandum dated 11/08/95, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the Office of the Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That pursuant to the authority delegated to this Board, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective 12/07/95, and when signs are erected pursuant hereto giving notice thereof, that the following is established:

DELETE:

PREFERENTIAL INTERSECTION (DELEGATED)

Euclid Ave.	-preferential-	for Eckart Street
Euclid Ave.	-preferential	for McKee Street

TRAFFIC ENGINEERING DEPARTMENT

REPORT NO. BPS/43/95 SHEET 1 OF 1 DATE November 08, 1995

TO: PAYNE BROWN - BOARD OF PUBLIC SAFETY

FROM: TOM MANNY - TRAFFIC ENGINEER

SUBJECT: STOP INTERSECTION

Please be advised our office has completed a meeting with the Pontiac Place Neighborhood Association regarding Euclid Ave. from Pontiac St. to Oxford St. Adjacent north/south streets within the association have traffic control that assists in the elimination of thru vehicles. By switching the control at two intersections, Euclid Ave. will no longer be the only thru street.

It is hereby recommended that the Board of Public Safety authorize the following:

STOP INTERSECTION (EMERGENCY)

Euclid Ave.	- stop -	for Eckart St.
Euclid Ave.	- stop -	for McKee St.

DELETE:

PREFERENTIAL INTERSECTION (DELEGATED)

Euclid Ave.	- preferential -	for Eckart St.
Euclid Ave.	- preferential -	for McKee St.

Sincerely,

Tom Manny

Tom Manny
Traffic Engineer

REGULATORY RESOLUTION NO. 58/95/D

(Adopted 12/07/95)

WHEREAS, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986 authorized the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 70.30 of said Title delegates to this Board authority to:

NO PARKING (DELEGATED)

WHEREAS, the City Traffic Engineer has, by written memorandum dated 11/29/95, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the Office of the Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That pursuant to the authority delegated to this Board, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective 12/07/95, and when signs are erected pursuant hereto giving notice thereof, that the following is established:

DELETE:

NO PARKING (DELEGATED)

Downing Ave.	-south side-	from the 1st alley east of Fairfield Ave. to 120' east thereof

55-12D

TRAFFIC ENGINEERING DEPARTMENT

REPORT NO. BPS/44/95 SHEET 1 OF 1 DATE November 29, 1995

TO: PAYNE BROWN - BOARD OF PUBLIC SAFETY

FROM: TOM MANNY - TRAFFIC ENGINEER

SUBJECT: **PARKING REGULATION**

Please be advised our office has received a petition from the residents in the 400 block of Downing Ave. requesting the removal of No Parking signs on the south side east of Fairfield Ave. The original signs were installed for the Lutheran Hospital visitor parking lot; however, they are no longer required since the hospital has closed.

It is hereby recommended that the Board of Public Safety authorize the following:

DELETE:

NO PARKING		(DELEGATED)
Downing Ave.	- south side -	from the 1st alley east of Fairfield Ave. to 120' east thereof.

dds

Sincerely,

Tom Manny

Tom Manny,
Traffic Engineer

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Special Session, held on 19th day of Dece,ber, 19 95, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 26 day of December, 19 96.

Sandra E. Kennedy

City Clerk